

REMARKS

In the present Amendment, claim 1 has been cancelled. Claims 4, 5 and 8 have been amended to depend from only claim 2, consistent with the cancellation of claim 1. No new matter has been added, and entry of the Amendment is respectfully requested.

Upon entry of the Amendment, claims 2, 4-5, 8, 20-24 and 26 will be pending.

At page 2 of the Action, claims 1, 2, 4, 5, and 20-24 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Yamazaki et al (7,083,889).

Applicants submit that this rejection should be withdrawn because Yamazaki et al '889 is not prior art with respect to the present claims. Yamazaki et al '889's §102(e) date of October 20, 2003 is later in time than each of Applicants' five priority dates. Applicants have submitted verified English translations of their priority documents, and pointed out support for the recitations of the present claims in the Amendment filed December 28, 2005.

In view of the above, reconsideration and withdrawal of the §102(e) rejection based on Yamazaki et al '889 are respectfully requested.

Also at page 2 of the Action, claims 1, 2, 4, 5, 8, 20-24 and 26 are rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by "Miyakawa et al."

As an initial matter, it is not entirely clear which "Miyakawa et al" document the Examiner is referring to. Based on the Examiner's citation to [0182] of Miyakawa et al, it is believed that the Examiner is referring to Miyakawa et al US 2003/0157419, since that is the only Miyakawa et al document listed on the PTO Form 892 attached to the Action which is formatted with numbered paragraphs in square brackets.

Applicants submit that this rejection should be withdrawn because Miyakawa et al US 2003/0157419 is not prior art with respect to the present claims. As explained at pages 14-16 of the Amendment filed December 28, 2005, Miyakawa et al '419's §102(a) date of August 21, 2003 is later in time than all of Applicants' priority dates. Applicants submitted verified English translations of their priority documents, and pointed out support for the present claims therein, to remove Miyakawa et al '419 as prior art. See pages 14-16 of the Amendment filed December 28, 2005.

Reconsideration and withdrawal of the section 102(a) rejection of claims 1, 2, 4, 5, 8, 20-24 and 26 based on "Miyakawa et al" are respectfully requested.

In Paragraph No. 3 at page 3 of the Action, claims 1, 2, 4, 5, and 20-24 are rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-11 of U.S. Patent No. 6,994,942.

In Paragraph No. 4 at page 3 of the Action, claims 1, 2, 4, 5, 8, 20-24 and "26-12" are rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-12 of U.S. Patent No. 6,875,550.

In Paragraph No. 5, also at page 3 of the Action, claims 1, 2, 4, 5, and 20-24 are rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-51 of U.S. Patent No. 7,083,889.

Applicants submit that these obviousness-type double patenting rejections should be withdrawn because the toner of the present claims is not merely an obvious variant of the toners claimed in U.S. Patent Nos. 6,994,942, 6,875,550 and 7,083,889. The claims of these patents do

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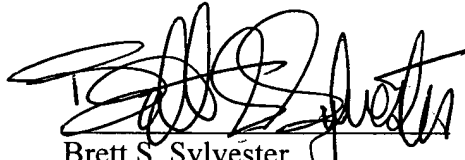
not disclose, teach or suggest the external addition of the presently recited particles comprising a long chain fatty acid or a salt thereof. For at least this reason, the rejections lack merit.

Reconsideration and withdrawal of the obviousness-type double patenting rejections based on the '942, '550 and '889 patents are respectfully requested.

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Brett S. Sylvester
Registration No. 32,765

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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